

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is requested. After entry of this amendment, claims 2-4 and 6-22 (20 claims) are pending in the application. Claims 1 and 5 are canceled, claims 2, 4, 6 and 7 are amended, and claims 10-22 are added.

In the office action dated November 29, 2005, the examiner rejects claim 9 under 35 USC §112, 2nd paragraph, for being indefinite; rejects claim 2, 7, 8 and 9 under 35 USC § 102(b) as anticipated by Higginbotham (U.S. Patent No. 1,855,964); and rejects claims 3-6 under 35 USC §103(a) as unpatentable over Higginbotham in view of Le Roy (U.S. Patent No. 6,736,516).

Claim Rejections – 35 USC § 112

The examiner rejects claim 9 under 35 USC §112, 2nd paragraph, for being indefinite, characterizing claim 9 as conflicting with claim 2 due to recitations in each directed to features of the base. Applicant has amended claim 2 to remove base features therefrom, so not to conflict with base features recited in claim 9. Accordingly, applicant respectfully requests that the examiner withdraw this rejection.

Claim Rejections – 35 USC § 102

The examiner rejects claim 2, 7, 8 and 9 under 35 USC § 102(b) as anticipated by Higginbotham (U.S. Patent No. 1,855,964). Applicant respectfully traverses the examiner's rejections under § 102(b), as Higginbotham does not disclose each and every element of the claimed invention.

Higginbotham does not disclose, teach or suggest a set of uprights communicating with a screen, another set of uprights communicating with a projector, or a dampening device

between the upright sets. The examiner references "short tube 6" (col. 2, line 50) of Higginbotham as anticipating applicant's dampening feature. Short tube 6 spaces apart and connects together upright tubes 4 and 5 of Higginbotham (col. 2, lines 46-50). Components 4, 5 and 6 of Higginbotham are all described similarly (i.e., as tubes). Accordingly, if short tube 6 is a dampening device, so are upright tubes 4 and 5, upright tube 4 supporting a camera. Accordingly, Higginbotham does not teach or suggest that short tube 6 is a dampening device.

Further, Higginbotham teaches a stand that supports a camera and provides a platform for use in taking photographs of objects located below and/or away from the uprights. There is no teaching in Higginbotham of replacing the camera with a projector, or of directing a replacement object back toward the uprights for display on a screen also supported by the uprights. In fact, contrary to the examiner's characterization, the camera support of Higginbotham is not situated for directing the camera back toward the uprights, or is there a suggestion that such a use for any reason is contemplated. Applicant, however, amends claims 2, 4, 6 and 7 for reasons unrelated to patentability.

Independent claim 2, and dependent claims 13 and 19, as amended/added, are patentable over the prior art, as the prior art fails to teach or suggest a first set of upright members positioned between the second set of upright members and a location of the projector.

Independent claim 12, and dependent claims 7 and 18, as amended/added, are patentable over the prior art, as the prior art fails to teach or suggest a dampening device positioned between the first and the second set of upright members.

Independent claim 17, and dependent claims 11 and 14, as amended/added, are patentable over the prior art, as the prior art fails to teach or suggest differing heights of the first set and the second set of vertical members.

Dependent claims 4 and 22 find allowability over the prior art by featuring a boom arm that supports a weight to counterbalance the projector, the weight communicating only with the boom arm. Dependent claims 6 and 20 find allowability by featuring a boom arm supporting a free-hanging weight, and dependent claim 21 by featuring a free-hanging weight attached to the boom arm by a flexible, elastic, or spring-loaded mechanism.

Claim Rejections – 35 USC § 103

The examiner rejects claims 3-6 under 35 USC §103(a) as unpatentable over Higginbotham in view of Le Roy (U.S. Patent No. 6,736,516). Applicant respectfully traverses the examiner's §103(a) rejections. A rejection under §103 requires a showing of all of the following: 1) there must be some suggestion or motivation to modify or combine the references as suggested by the examiner (it is not sufficient to say that the cited reference can be modified or combined without a teaching in the prior art to suggest the desirability of the modification; 2) there must also be a reasonable expectation of success; and 3) the references must teach or suggest all limitations of the claims. The teaching or suggestion to combine or modify the applied art and the reasonable expectation of success must both be found in the prior art and not in applicant's specification (MPEP § 2143).

As detailed above, the combination of references cited do not teach or suggest all of the claimed limitations. Further, the references do not provide a suggestion or motivation to modify or combine the references as suggested by the examiner. The examiner states it obvious to substitute the base 24 of Higginbotham with the boom arm assembly of Le Roy

because one would have been motivated to provide a stronger, more stable projection system allowing a user to easily access the screen to make repairs.

The teachings of Higginbotham and Le Roy do not suggest their combination to provide a more stable projection system. Higginbotham is not even directed to a projection system, and does not teach or suggest the adaptation of a screen to one of its sets of uprights, nor replacing its camera with a projector, and redirecting that replacement object back toward the unmentioned screen located on one of its sets of uprights. Higginbotham does not address vibration control between its uprights, or a counterbalancing of a projector moment about its respective uprights. In fact, Le Roy teaches away from incorporating the base of Higginbotham with its boom arm, as Le Roy states that "to prevent any inadvertent 'toppling' of the structure, an additional chain 160 can be provided at the apex 126 for attachment to an attachment point 162 on the ceiling or some structure above the projector 120." (at column 3, lines 34 to 45).

It is not sufficient to say, as the examiner has done, that the cited references can be combined without a teaching in the prior art to suggest the desirability of the modification. The respective references simply do not provide the suggestion. Indeed, Le Roy teaches away from the combination, and away from any expectation of success of the combination, by suggesting that, in addition to downward cables 140 and 148, connection to a ceiling 162 should be made at the projector location 126.

In view of the above amendments and remarks, applicant submits that the pending claims distinguish over the prior art, and respectfully requests that the examiner withdraw the 35 USC §102 and §103 rejections.

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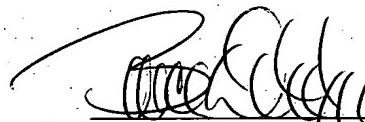
Added Claims

Claims 10-22 are added in this response and amendment to more completely cover certain aspects of applicant's invention. Applicant submits that the added claims are patentable over the prior art of record, for the reasons detailed above, and that the added claims find support throughout the specification and drawings.

CONCLUSION

In light of the above amendments and remarks, applicant submits that pending claims 2-4 and 6-22 are allowable and requests that the examiner issue an early notice of allowance. The examiner is invited to call the undersigned attorney in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,



Bruce D. George
Registration No. 43,631

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Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439